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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/482,023	01/13/2000	Devendra T. Barot		6462

23505 7590 03/07/2005

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HOUSTON, TX 77253-3267

EXAMINER

RIDLEY, BASIA ANNA

ART UNIT	PAPER NUMBER
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1764

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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1/13/00

Barot

EXAMINER

Ridley

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030305

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Commissioner for Patents

1. The amendment to the drawings filed together with the Appeal Brief on 12 December 2004 is improper. See 37 CFR 41.33(a)-(c). Paragraph (a) provides that amendments filed after the date of filing an appeal pursuant to Sec. 41.31(a)(1)-(a)(3) and prior to the date a brief is filed pursuant to Sec. 41.37 may be admitted as provided in Sec. 1.116. Paragraph (b) provides that amendments filed on or after the date of filing a brief pursuant to Sec. 41.37 may be admitted: (1) to cancel claims, where such cancellation does not affect the scope of any other pending claim in the proceeding, or (2) to rewrite dependent claims into independent form. A dependent claim is rewritten into independent form by including all of the limitations of the base claim and any intervening claims. Thus, no limitation of a dependent claim can be excluded in rewriting that claim into independent form. Paragraph (c) provides that all other amendments filed after the date of filing an appeal pursuant to Sec. 41.31(a)(1)-(a)(3) will not be admitted except as permitted by Secs. 41.39(b)(1), 41.50(a)(2)(i), 41.50(b)(1) and 41.50(c).

2. Further, the examiner notes that the amendment to the drawings filed on 12 December 2004 in Appendix D of the Appeal Brief would be considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on 30 June 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003), because submitted drawing sheets are not labeled as "Replacement Sheets".

3. The period for response set in the Notice Of Defective Appeal Brief mailed on 3 March 2005 continues to run and is not affected by the non-proper amendment.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Basia Ridley, whose telephone number is (571) 272-1453.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola, can be reached on (571) 272-1444.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Technical Center 1700 General Information Telephone No. is (571) 272-1700. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Questions on access to the Private PAIR system should be directed to the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Basia Ridley
Basia Ridley
Examiner, Art Unit 1764